



US Army Corps
of Engineers
Buffalo District

Off-Shore Wind Energy

U.S. Army Corps of Engineers

Steven Metivier
Buffalo District
1776 Niagara Street
Buffalo, NY 14207
716-879-4314



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Regulatory Program

- Section 10 of the Rivers and Harbors Act
 - Navigation and Structures in Navigable Waters
 - Docks, Dredging
- Section 404 of the Clean Water Act
 - Discharges of Dredged or Fill Material into Waters of the United States
 - Armored Revetments, Groins, Disposal of Dredged Material, Wetland Fills





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Other Programs

- Section 401 Water Quality Certification (NYS Department of Environmental Conservation)
- Coastal Zone Management Program (NYS Department of State)
- Endangered Species Act (U.S. Fish and Wildlife Service)
- Section 106 of the Historic Preservation Act (NYS Office of Parks Recreation and Historic Preservation)



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Permit Requirements

- 404 (b)(1) Guidelines
 - Project Purpose – Water Dependency
 - Alternatives Analysis
 - On-Site vs. Off-site
 - Least Environmentally Damaging Practicable Alternative
 - Avoid Impacts
 - Minimize Impacts
 - Mitigate Unavoidable Impacts



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Public Interest Review Factors

- Balancing process
 - Wetland values
 - Navigation
 - Conservation of natural resources
 - Wildlife values
 - Recreation
 - Flood hazards
 - Economics
 - Consideration of property ownership



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Standard Permits

- Full public interest review
- Public notice
- Determination of compliance with USEPA Section 404(b)(1) Guidelines
- Preparation of Environmental assessment (EA) and statement of findings (SOF)
- Results in permit issuance or denial
- Valid for 3-5 years. May obtain extension



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Standard Permits

Public Participation

- Public Notices Posted on Corps' Website:
<http://www.lrb.usace.army.mil/regulatory/>
- Comments Best in Writing (letter or e-mail)
- Not a Vote
- May Request e-mail Notification when
Notices are Published by Writing:

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Regulatory Branch
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Environmental Impact Statement

- “Precedent-Setting” Project
- Notice of Intent
- Scoping
- Draft EIS
- Comment
- Final EIS
- Record of Decision
- www.nae.usace.army.mil/projects/ma/ccwf/windfarm.htm



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Points of Contact

USACE

Buffalo District:

Steven Metivier

1776 Niagara Street

Buffalo, NY 14207

716-879-4314

Pittsburgh District:

Scott Hans

2200 William Moorehead Federal Building

1000 Liberty Avenue

Pittsburgh, PA 15222

412-395-7154

Chicago District:

Diedra Willis

111 North Canal Street

6th Floor

Chicago, Illinois 60606

312-846-5539

Detroit District:

John Konic

477 Michigan Ave.

Detroit, MI 48226

313-226-7732